

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Appellant,

V.

**BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,**

Defendant.

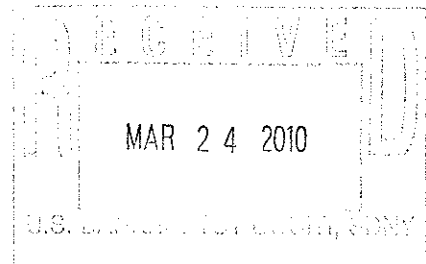
SIPA LIQUIDATION
(Substantively Consolidated)
Adv. Pro. No. 08-01789 (BRL)

NOTICE OF APPEAL

In re:

BERNARD L. MADOFF,

Debtor.



PLEASE TAKE NOTICE that Josef Mittlemann and Just Empire, LLC hereby appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York in the above referenced proceeding on March 8, 2010 (the “Order”), pursuant to the Certification of Net Equity Order issued by the Bankruptcy Court on March 8, 2010 (the “Certification”).

PLEASE TAKE FURTHER NOTICE that, in the event that the United States Court of Appeals for the Second Circuit does not authorize the appeal, Appellants in the

alternative hereby appeal the Order under 28 U.S.C. § 158(a)(1) to the United States District Court for the Southern District of New York.

In the event that it is necessary, this Notice should be deemed a motion for leave to appeal under 28 U.S.C. § 158(d)(2) to the United States Court of Appeals for the Second Circuit or under 28 U.S.C. § 158(a)(3) to the United States District Court for the South District of New York for the reasons set forth in the Certification, the Order, and the Memorandum Decision dated March 1, 2010 granting the Trustee's motion for the Order, or that Appellants be allowed to file a motion for leave to appeal.

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective counsel are as follows:

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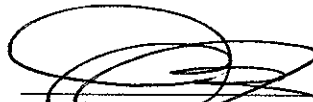
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Dated: Providence, Rhode Island
March 22, 2010

Respectfully submitted,



Josef Mittlemann

Josef Mittlemann, Managing
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Customer/Claimant

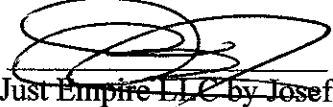
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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Notice of Appeal to be served on persons listed below electronically by email with their permission on this 23rd day of March 2010.


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